

**IN THE UNITED STATE DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA**
Case No. 5:16-CV-155-FL

UBS FINANCIAL SERVICES, INC.,

Plaintiff.,

v.

ROBERT ZIMMERMAN,

Defendant.

**RESPONSE IN OPPOSITION TO MOTION
FOR PARTIAL JUDGMENT ON THE
PLEADINGS**

Plaintiff UBS Financial Services, Inc. (“UBS”) opposes the defendant Robert Zimmerman’s Motion for Partial Judgment on the Pleadings [Docket No. 37] as premature because the pleadings in this matter have not yet closed. Rule 12(c), Fed. R. Civ. P. (“After the pleadings are closed—but early enough not to delay trial—a party may move for judgment on the pleadings.”) (emphasis added). UBS’s deadline to respond to Mr. Zimmerman’s amended counterclaims is August 4, 2016. UBS intends to move to dismiss Mr. Zimmerman’s amended counterclaims in their entirety. As a result, the pleadings will not close in this matter until UBS answers Mr. Zimmerman’s amended counterclaims, which it will do only if it is unsuccessful in its motion to dismiss.

To the extent Mr. Zimmerman’s motion can be read to include a second request that this Court withdraw or modify the Preliminary Injunction [Docket No. 32], UBS respectfully requests that this Court summarily deny that request for the reasons set forth in the Court’s July

25, 2016 order. [Docket No. 42.]

Dated: August 1, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed the document to the following non-CM/ECF participants:

Mr. Robert Zimmerman
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Respectfully submitted,

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